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ABSTRACT

A rules-based approach to the problems of debate (such as that proposed by the American Debate Association) will fail to provide a solution to debate's ills and may only increase the problems. Debate's current problems have to do with debate performance, e.g., speaking rate, poor quality evidence, and irrational arguments. A solution to these problems is based on the following statements: (1) there is no consensus that such performances should be punished; (2) any enforcement must be applied with an equal hand; (3) the rules should not create more problems than they resolve; and (4) the solution lies in more honest, assertive feedback by judges. Any rule will be ineffective without consensus and without an enforcement mechanism. Rules are not a substitute for assertive judges. Although activities seeking quality performances in forensic activities are applaudable, establishing more rules is not the answer. (Nineteen references are attached.) (SR)

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DEBATING WITH RULES: MUCH ADO ABOUT NOTHING

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Paper presented to the 1992 Oklahoma Speech Theater Communication Association Convention, Edmond, Oklahoma, September 12, 1992.

Introduction.

Similar to George Bush's solution to the Los Angeles riots, the American Debate Association (ADA) contends that all debate needs is a little law and order. The real problem, says ADA proponents, is a recent crop of debaters who violate everything sacred in our activity. My view: the problem is not debaters, it is silent debate judges. While I applaud the intentions of the ADA and its supporters, I must deplore their actions. The rules based approach to debate will fail to provide a solution to debates ills and may increase the problems instead.

Rules are only effective when several things occur. First, there must be a consensus that these actions are wrong. Second, the enforcement mechanism must be applied with an equal hand. Third, the rules must create less conflict over procedure than existed before the rule. Finding that none of these are present

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with the A.D.A. option, I will offer a solution to debate's present problems.

Let me exclaim "The Emperor has no clothes." There are many problems in our activity: speaking rate, poor quality evidence and irrational arguments, to name just a few. However, enacting more rules is not the answer. Anyone who has seen a professional football game recently knows that more rules (even with the best of intentions) may not increase the quality of the game.

I. There is no consensus that these actions should be punished.

I am often reminded of the statement of Frank Zappa (then speaking of labeling records), "this is like curing dandruff by decapitation." The assumptions of ADA are incorrect and the solutions offered are far too drastic. The first assumption of the ADA is that debaters have too much control and that the debate judges want and should have more control in the round.

Hollihan & Riley [1987] and Hinck [1989] agree there has been a power shift from judges to debaters. Morello & Soekensen [1989] describe the ADA as an attempt to re-gain power. The assumption behind the ADA is that judges want strict control of the round and the tabula rasa paradigm removes control. However, Logue & Versh's [1991] poll found that 50% of coaches want debaters to have full control and that only 15% NDT and 29% CEDA judges at most want some control (p.409).

No matter what paradigm a judge uses as a self-portrait, there is large consensus on how to decide the round. Cross & Matlon [1978] noted that judges view a debate round with consensus, regardless of philosophy or paradigm that is espoused by that judge. This is supported by the recent and extensive research by Dudczak & Day [1989, 1991a, 1991b]. They found that judges may not and often do not follow the preferences stated in their written philosophy statements. They conclude that a judge's statement about his/her philosophy does little to predict or determine that judge's attitudes.

The tabula rasa paradigm has never exceeded one-third of the debate community. In Buckley's [1982] poll, 17.4% of debate critics describe themselves as tabula rasa. Gaske, Kugler & Theobald's [1985] poll, found 50% of their sixteen judges indicating tabula rasa, however, the small sample discounts their conclusions. Brey's [1989] poll found tabula rasa to be the most popular paradigm with 30.2% (p.69). Rhodes [1990] doubted whether there were any strict tabula rasa judges since virtually all judges will intervene in the round in some circumstance (p.4).

Paradigms are extremely vague, as each person tries to define his/her distinctive judging style. The judge's personal preferences are simply an example of audience adaptation. In debate, we simply adapt to an audience of one. Even then a

specific judge's preferences might change over time, often times due to the topic. Logue & Versh [1991] noted while paradigms are more clear in a policy debate, CEDA judges do not have strong paradigmatic bias because of the change in topics (p.410).

II. Any Enforcement must be applied with an equal hand.

The judge's preferences determine how the round is decided, whether they call themselves policy makers, rhetoricians or snake charmers. If judges do not see these violations as serious, they will fail to enforce the rules, which will cause the collapse of the ADA's noble efforts.

The following example dramatizes the fallacy inherent in the ADA rules. Suppose you are judging a preliminary round at The National Tournament. The round is horribly one-sided. You have frequently seen the more advanced team on the circuit. They are very competitive, having advanced to quarterfinals at the National Tournament just the year before. The weaker team is inexperienced and unprepared. The stronger team is easily winning every issue. As an oversight, one of the advanced team omits mentioning full source citations during a rebuttal speech. The weaker team points this out, mentions that it is a clear violation of the ADA's rules and accordingly, you should vote against the stronger team. What do you do?

If you have <u>any</u> hesitation in voting against the stronger

team, you have dissolved all effect of the ADA's rules. The importance of rules stems from their enforcement and punishment when violated. If you fail to punish the advanced team, the ADA's rules are worthless. To the extent judges will fail to punish certain conduct, it emphasizes the false claim of consensus that these acts are inappropriate.

The emphasis should be on teaching debaters what to do, not quasi-criminalizing certain conduct. Strickland [1991] noted: [The ADA rules] "are proscriptive in nature and remove the responsibility for sound debating techniques from coaches and judges. These are practices which should be taught by coaches and instructors and enforced by judges" (emphasis added p.6). Any effects caused by tabula rasa (assuming there are any) can be remedied by assertive feedback and without additional rules.

III. The Rules should not create more problems than they resolve.

Often times rules create more procedural conflict than they even try to solve. The legal arena is a perfect example. The Federal Tax Code is thousands of pages long. One would think it details every possible problem and gives a solution, if you could only find the one. However, the tax courts are filled with cases arguing over problems which were not foreseen at the time of the code's enactment.

Such is also true of the ADA rules. Consider the rule on

tardiness. After a certain time, a team will lose the round for tardiness. This is inane. What if an inexperienced but well-intentioned judge stops the contestants after a round for a verbal critique. Should the students be punished for staying to listen? What if the debaters get detained in a broken elevator? How will we determine the official time? Will we have official tournament timekeeper like professional sporting events? None of these problems are explained within the rules of the ADA, yet all are very likely to occur.

As you might expect, losing a round based on one of these rules will hardly be taken sitting down. Who will decide disputed rules violations. As a practical concern, when and where are we going to hold these mini-trials? At the tournament, while waiting to hear who might advance? This is ridiculous. The rationale behind the tardiness rule is that the coaches have something better to do with their time than waiting around at tournaments. The ADA procedure is a proverbial can of worms waiting to be opened the first time a successful team violates one of them.

IV. The Solution: More Honest, Assertive Feedback by Judges.

The solution to the problems of poor quality arguments and rapid delivery (and any others) is not to create more rules or brand a particular judging paradigm with a scarlet letter. The solution is more honest and assertive judge feedback, most nota-

bly rewards or punishments via the ballot.

Feedback is a good idea. Rhodes [1991] noted that judge feedback especially benefits small colleges which may not have access to several different judging philosophies (p.405). It should be very helpful to new programs and new students to the activity. By sharing information on judge preferences openly and honestly, the new school or new participant will be made to feel that they are a part of the activity, part of a close-knit, caring family of forensics participants. The idea of community cannot be harmful to the activity.

Howe [1981] argued debaters are a product of judges' rewards. Debaters, like all other living things, react to what they see being rewarded, and condition their behavior appropriately. Miller [1988] agreed when he wrote "If we are interested in promoting an ideological setting for forensics, the way to change debaters is through judge rewards" (p.73). Ziegelmueller (1990) wrote that this is already having an effect on the speaking rate of NDT debaters. As plants grow towards the light, debaters will grow towards judges preferences and expectations.

However, Miller (1988) found that judge rewards were not being used. He explained: "Unfortunately, judges are currently unwilling to take a strong ideological stance and punish debaters....judges risk losing their status among elites by punishing debaters through losses and low speaker points" (p.73-74). In other words, judges have not and do not vote against "good teams"

even if they violate their expectations by speaking too rapidly, making inane arguments or behaving rudely. We should expect the same on full evidence citations, tardiness, and other ADA rules. If judges fear they will be stigmatized for voting against the "good teams," the real problem is not a shortage of rules.

Further, there is no need for more rules if feedback is used properly. It is always within the judge's power to vote how he/she chooses. If debaters do not follow or expressly violate a judge's preferences, the judge should point it out before the round (preferable) and should certainly make it felt via the ballot. For example, there is no law against a four year old talking during a church service. However, we have been conditioned not to talk during the service, and we also condition our children to act the same, all without any formal, explicit rules. It works because there is a consensus that these actions are improper and a swift and effective enforcement mechanism. Such are lacking with the ADA rules. Judges should vote against teams who act inconsistent with their preferences (as they have the power now). Changing or adding rules will not do anything.

Strickland [1991] agrees when he notes "Each of us as professionals must share in the overseeing the activity. If you are concerned that debate no longer provides a forum for communication, they you have the option of requiring that debaters either communicate with you or pay the consequence vis-a-vis the ballot and/or point system" (p.5). Common sense tells us we would not

hand our car keys over to a sixteen-year-old and hope that the driving laws would be sufficient to keep them safe. We would teach them driving skills as best we know how, and make sure their mistakes had a consequence. Such is also true with debaters. We need to take an active role to develop their behaviors and continually condition them to behave appropriately.

Another analogy can be seen in the problem of early release due to prison overcrowding. Prisoners were being released, long before their actual sentences were served, which led to a public outcry. Rather than act and build more prisons, the public cried out for sentencing guidelines. Rule after rule was enacted, but the problem of early release due to overcrowding persisted. Why? Rules are simply groups of words put on a piece of paper. Without enforcement, that is all they are. Rules are not the answer if no one is going to put them into action.

If making new rules (without any change in action) would cause the desired result, I propose the entire debate community immediately enact the following resolution:

> Be it thus enacted by the debate community, that from this date forward, All debates shall be interesting and entertaining, that All debate programs shall have unlimited budgets and an abundance of eager and bright students, and that every team shall feel the ecstasy of victory without the sting of defeat, and that the peoples of all nations will live in peace and prosperity, that Madonna will wear more clothes and that Oprah will lose weight, and that Good shall forever triumph over Evil.

This rule, like all others, will be ineffective without a consensus that this is a good idea and without an enforcement mechanism. In debate, reward or punishment can occur without increased rules, since each judge is left to their sole discretion on how to decide the round. However, as previously discussed, the reason for in-action (lack of reward or punishment) is not a lack of rules but rather the fear of lost social status in the forensics community. Judges should overcome this fear of and force debaters to behave in accordance with their preferences. Such action is the only solution.

Church [1991] concluded "I would suggest that the best route to regulating undesirable practices by judges and debaters is through creating a community with a distinct identity that will foster and support educational practices. Rules by themselves do not seem to be the answer" (p.10). Rules are not a substitute for assertive judges. Rules alone will not fix any of debate's ills. Although I applaud our activity's persistence in seeking quality performances in all forensic activities, establishing more rules is not the answer.

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